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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,342	02/18/2001	Pilla G. Patrudu		2243

7590 03/02/2004

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EXAMINER

KIM, KENNETH S

ART UNIT	PAPER NUMBER
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2111

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/785,342

Applicant(s)

PATRUDU, PILLA G.

Examiner

Kenneth S KIM

Art Unit

2111

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.



KENNETH S. KIM
PRIMARY EXAMINER

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

1. Claims 1-11 are presented for examination.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

(a) The first three lines following "What is claimed is:" need to be deleted, and the substance can be incorporated into the preamble of each independent claim.

(b) Claim 1, it is not clear whether all elements are interacting or connected to any other elements. A system (or apparatus) claim should provide a complete recitation of functional elements and interactive operations to achieve the intended result.

(c) Claims 1, there appears to be numerous inappropriate construction of "means plus function limitation". "*Element means for performing a certain function*" is the normal format of construction.

e.g., in Claim 1, for parts (b) and (c),
instead of

"Function means a sequence of instructions which accomplishes a particular task",

perhaps

- - a function means (or unit) comprising a sequence of instructions for accomplishing a particular task - - or equivalently,

- - a function comprising a sequence of instructions for accomplishing a particular task - - is intended,

instead of

"Invocation means a particular instance of execution, of said function,

perhaps

- - an invocation means for invoking a particular instance of execution of said function means - - , or equivalently,

- - an invocation unit for invoking a particular instance of execution of said function - - is intended, and so on.

Better yet, the two limitations can be combined into one,

- - invocation means for invoking a particular instance of execution of a function comprising a sequence of instructions for accomplishing a particular task - -.

Note: A system can comprise of items like "a queue for storing (or containing) a plurality of said elements ...", but cannot comprise of abstract nouns like "invocation".

(d) Claims 2-11, numerous "said xxx" lack antecedent basis. Items in the independent claim 2 can not refer to the same items in the independent claim 1 (by means of "said xxx").

(e) Applicant is requested to review claims of other published patents for better format of claim limitation recitations. Applicant is invited to contact the examiner to discuss any aspect of rephrasing the claim limitations.

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gabber taught a method of developing portable programs for multiprocessors.

Orimo et al taught a method of developing loaded programs from program attribute information.

Stack taught a method of generating application programs.

Lewis et al taught a method of generating data flow programs.

Wadhwa et al taught a method of generating software for a distributed hardware platform.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth S KIM whose telephone number is (703) 305-9693. The examiner can normally be reached on M-F (8:30-17:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

February 19, 2004



KENNETH S. KIM
PRIMARY EXAMINER